

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ELIZA ABEYTA,

Plaintiff,

v.

CV No. 18-928 CG/LF

UNITED STATES OF AMERICA, et al.,

Defendants.

**ORDER SETTING PRETRIAL CONFERENCE  
AND NON-JURY TRIAL**

**THIS MATTER** is before the Court on its trial scheduling conference, held May 20, 2019. (Doc. 45). The following settings and deadlines are hereby imposed.

A **Pretrial Conference** will be held in person or by teleconference on **February 3, 2020 at 2:00 p.m.** Parties will join the teleconference by calling Judge Garza's AT&T Line at (877) 810-9415, follow the prompts, and enter access code 7467959. If the Court holds an in-person conference, information regarding the location of the conference will be provided to counsel at a later date. All attorneys who will be participating in the trial of this matter must be present for the pretrial conference. The parties need not be present. All motions *in limine* will be heard at the pretrial conference.

The **Non-Jury Trial** will begin on **March 16, 2020 at 9:00 a.m. in Albuquerque, New Mexico.**

Witness lists, designations of deposition testimony, exhibit lists and books of exhibits, and motions *in limine*<sup>1</sup> are due **February 17, 2020**. Any responses or objections are due **February 24, 2020**.

The parties are encouraged to submit summary trial briefs outlining basic legal theories, anticipated evidence in support of the theories, and the legal basis of any anticipated evidentiary disputes by **March 9, 2020**.

**Witness Lists:** The parties shall file their witness lists, which must disclose both witnesses that the parties “will call” and witnesses that they “may call” at trial.

**Designations of Deposition Testimony:** The parties shall file designations of deposition testimony that they intend to use at trial. The designations must state the pages and lines of the deposition to be used. Counsel must submit copies of the depositions to my Chambers by the due date above and must highlight the parts of the depositions that are to be used. Plaintiff will use a yellow marker and Defendant a blue marker. These requirements do not apply to cross-examination or rebuttal of a witness presented in person at trial.

**Exhibits:** The parties shall file one list of stipulated exhibits and separate lists of contested exhibits. The parties shall also submit two books of marked exhibits to my Chambers. The first book shall include exhibits that the parties stipulate to be admissible and shall be labeled consecutively. The second book shall include exhibits whose admissibility is contested and shall be labeled consecutively beginning with the next sequential number after the first stipulated exhibit designation. For instance, if

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1. Motions challenging the admissibility of expert testimony under *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) are not motions *in limine*. *Daubert* motions shall be filed no later than the dispositive motion deadline.

there are 50 stipulated exhibits, 20 contested Plaintiff's exhibits, and 20 contested Defendant's exhibits, the first notebook shall contain stipulated exhibits numbered 1 to 50. The second notebook shall contain Plaintiff's contested exhibits numbered 51 through 70 and Defendant's contested exhibits numbered 71 through 90.

**Requested Findings of Fact and Conclusions of Law:** No later than **March 2, 2020**, the parties shall file requested findings of fact and conclusions of law. In addition, the requested findings of fact and conclusions of law should be emailed as a Microsoft Word Document to [garzaproposedtext@nmd.uscourts.gov](mailto:garzaproposedtext@nmd.uscourts.gov).

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.

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THE HONORABLE CARMEN E. GARZA  
CHIEF UNITED STATES MAGISTRATE JUDGE